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SUBJECT: AZERBAIJAN: NGO LAW PASSES WITH MAJOR REVISIONS

REF: A. SECSTATE 63336

[1](#)B. BAKU 512 AND PREVIOUS

Classified By: Political-Economic Counselor Robert Garverick, reasons 1
.4 b and d.

[1](#)1. (C) Summary: Azerbaijan's parliament passed a revised version of amendments to the law on NGOs and mass media June 30, as well as previously debated changes on the law on religious freedom. The revised amendments to the NGO law largely exclude the controversial provisions previously discussed in parliament on June 19, and thus appear to be considerably less threatening to civil society than the original draft. However, the speed with which these changes were passed, and the lack of transparency of the process are clearly worrisome indicators of the state of Azerbaijan's democratic development. End Summary.

MAJOR REVISIONS MADE TO NGO LAW AT LAST MINUTE

[1](#)2. (C) After two hours of discussion on June 30, which the Ambassador and poloff observed, Azerbaijan's parliament passed changes to the laws on religious freedom, NGOs, and mass media. While the amendments to the law on religious freedom were the same as previously discussed in parliament on June 19 (reftel B), there were significant changes to the amendments on NGOs and mass media. These changes were decided in a closed meeting of parliament's Legal Policy Commission on June 29, and distributed to Members of Parliament and some members of the public only minutes before the parliamentary session began on June 30.

[1](#)3. (SBU) According to a quick analysis of the version received by the Embassy, the following are the most important changes made to the laws:

- Media outlets cannot have the same name as a previous media outlet or a famous person without the person's permission
- Foreigners who have residence permits in Azerbaijan are allowed to establish NGOs. (Note: in the previous version, foreigners were prohibited from establishing NGOs.)
- Public Unions must register the list of their members 30 days after receiving registration as an organization.
- Foundations must have at least 10,000 AZN (about 12,200 USD) in order to receive registration. (Note: the first version of the amendments required foundations to have at least 50,000 AZN or about 60,000 USD. End note.)

- Branches of foreign NGOs can be established through an agreement on registration with the GOAJ.
- NGOs cannot fulfill the functions of the government or municipalities.
- NGOs must submit a yearly financial report no later than April 1.
- NGOs must notify local authorities of the opening of a branch office within ten days of its opening.
- The deputy heads of all branches of foreign NGOs must be citizens of Azerbaijan.

Previously proposed amendments which, inter alia, required NGOs to receive no more than 50 percent of their funding from foreign sources and prevented unregistered NGOs from conducting any activities are not included in the version that was passed.

DEBATE IN PARLIAMENT REFLECTS CONFUSION OVER LAW

¶4. (SBU) Ali Huseynov, head of the Legal Policy Commission, presented the new version of the amendments to the parliament's plenary session. He explained that due to the numerous appeals the commission had received, the commission decided to revise the amendments on NGOs, but not those on religious freedom. Opposition MPs Igbal Agazade, Panah Huseyn, and Nasib Nasibli all made speeches condemning the

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changes to the law on religious freedom. On the other side pro-GOAJ MPs Musa Guliyev and Zahid Orujov both stated that the GOAJ should control religion in order to prevent foreign political influence.

¶5. (SBU) On the NGO law, however, the debate was more confused. While Panah Huseyn stated that the amendments to the NGO law would damage Azerbaijan's international reputation, Nasib Nasibli said the new version of the amendments was a victory for civil society. Nasibli also added, however, that the USG might decrease aid to Azerbaijan and give more aid to Armenia in light of these amendments. In an unusual turn of events, three high level members of the ruling Yeni Azerbaijan Party (YAP) all spoke forcefully and at length in favor of these changes. Ali Ahmadov, executive secretary of the party, stated that NGOs, even foreign NGOs, should serve the interests of the GOAJ, not other interests. Deputy Speaker Valeh Alesgarov said the security and independence of the GOAJ is more important than the activities of any NGOs. Ziyafat Asgarov, another Deputy Speaker, claimed he had a 15 page document detailing suspicious activities of NGOs in Azerbaijan, and said the opposition was using the situation to its advantage.

CONDEMNATION OF SECTION 907

¶6. (C) Several MPs took advantage of the Ambassador's presence to express their displeasure with section 907 of the FREEDOM Support Act. Pro-GOAJ MP Zahid Orujov made a long speech saying that section 907 is a tool to put pressure on Azerbaijan, and asked the parliament to issue a statement condemning 907. Another pro-government MP, Musa Guliyev, also made a similar point. After the session, MP Asim Mollazade told poloff that the parliament would be issuing an open letter to the USG in the next few days complaining not only about 907 but also about increased aid to Nagorno-Karabakh (Note: the &increased aid8 refers to the USD 10 million that the House Appropriations Committee inserted into the FY10 State Foreign Operations bill June 23. End Note.)

MEASURED INTERNATIONAL REACTION

17. (C) Many members of the international community monitored the parliamentary session, including representatives from the Council of Europe, OSCE, European Commission, and the French, British, and Norwegian Embassies. While none of these representatives issued statements immediately after the session, the OSCE office told poloff that it would be using the July 1 visit of the OSCE Chairman-in-Office to Baku to raise the anti-democratic way in which these amendments were passed.

COMMENT

18. (C) The GOAJ's insistence on passing these amendments in a matter of days, and without open public debate, is a worrisome indicator of the state of Azerbaijan's democratic development. Given that the final version of the amendments were not available until the session began, a precise analysis of the implications of the changes is not yet available. However, the fact that most of the amendments to which local NGOs and the international community objected most strongly were not included in the final version is certainly good news for the development of civil society in Azerbaijan, which demonstrated a rare act of cohesion in voicing opposition to the proposed amendments.

19. (C) How Ali Huseynov and the Legal Policy Commission arrived at the decision to make these changes to the original draft is still unclear, but it seems that there was deep disagreement about these amendments within the GOAJ. In a separate meeting Foreign Minister Elmar Mammadyarov told the Ambassador that he called the Speaker of Parliament to say that these amendments would be bad for Azerbaijan's international reputation. Some sources within the Presidential Administration also indicated they were not pleased with the first version. The loud outcry from Azerbaijani society may also have been a factor, especially from NGOs that often cooperate with the GOAJ.

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